

NOTE: This proclamation and the attached annex will be published in the *Federal Register* on December 8.

**Letter to Congressional Leaders
Reporting on the National
Emergency With Respect to the
Federal Republic of Yugoslavia
(Serbia and Montenegro)**

December 3, 1998

Dear Mr. Speaker: (Dear Mr. President:)

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 25, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they controlled within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed Resolution 1022 ("Resolution 1022"), immediately and

indefinitely suspending U.N. economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until "released in accordance with applicable law." This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96-7. The determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995 (the "Peace Agreement") and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they controlled within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, in conformity with Resolution 1022. On October 1, 1996, the United Nations Security Council passed Resolution 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. Resolution 1074, however, reaffirms the provisions of Resolution 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers

the period from May 30 through November 29, 1998. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Order 12810, Executive Order 12831, and Executive Order 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"). To implement Presidential Determination No. 96-7, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 *Fed. Reg.* 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and Resolution 1022, until provision is made to

address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

On May 10, 1996, OFAC amended the Regulations to authorize prospectively all transactions with respect to the Bosnian Serbs otherwise prohibited, except with respect to property previously blocked (61 *Fed. Reg.* 24696, May 16, 1996). On December 4, 1996, OFAC amended Appendices A and B to 31 C.F.R. Chapter V, containing the names of entities and individuals in alphabetical order and by location that are subject to the various economic sanctions programs administered by OFAC, to remove the entries for individuals and entities that were determined to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These assets were blocked on the basis of these persons' activities in support of the FRY (S&M)—activities no longer prohibited—not because the Government of the FRY (S&M) or entities located in or controlled from the FRY (S&M) had any interest in those assets (61 *Fed. Reg.* 64289, December 4, 1996).

On April 18, 1997, the Regulations were amended by adding new section 585.528, to provide for the unblocking of the following five vessels: the M/V MOSLAVINA, M/V ZETA, M/V LOVCEN, M/V DURMITOR and M/V BAR (a/k/a M/V INVIKEN) after 30 days (62 *Fed. Reg.* 19672, April 23, 1997). Two previously blocked vessels, the M/V KAPETAN MARTINOVIC and the M/V BOR, were sold prior to August 18, 1997, pursuant to licenses and the proceeds of the sales placed in blocked interest-bearing accounts at U.S. financial institutions as substitute property for the blocked vessels.

On November 6, 1998, section 585.528 was amended to provide for the unblocking of these accounts, representing the two vessels, after 30 days (63 *Fed. Reg.* 59883, November 6, 1998). During this period, United States persons may negotiate settlements of their outstanding claims with respect to the vessels with the vessels' owners or agents. If claims remain unresolved by November 27, United States persons are generally licensed

to seek and obtain judicial writs of attachment against the funds during the 10-day period prior to the accounts' unblocking. A copy of the amendment is attached to this report.

3. Over the past 2 years, the Departments of State and the Treasury have worked closely with European Union member states and other U.N. member nations to implement the provisions of Resolution 1022. In the United States, retention of blocking authority pursuant to the extension of a national emergency provides a framework for administration of an orderly claims settlement. This accords with past policy and practice with respect to the suspension of sanctions regimes.

4. During this reporting period, OFAC issued two specific licenses regarding transactions pertaining to the FRY (S&M) or property in which it has an interest. Specific licenses were issued (1) to authorize the payment from blocked funds of licensing fees due to the New York State Banking Department for one of the Serbian financial institutions blocked in 1992 and (2) to authorize the transfer of a blocked account from one financial institution into another.

During the past 6 months, OFAC has continued to oversee the maintenance of blocked FRY (S&M) accounts, and records with respect to: (1) liquidated tangible assets and personalty of the 15 blocked U.S. subsidiaries of entities organized in the FRY (S&M); (2) the blocked personalty, files, and records of the two Serbian banking institutions in New York previously placed in secure storage; and (3) remaining blocked FRY (S&M) tangible property, including real estate.

D.C. Precision, Inc. v. United States, et al., 97 Civ. 9123 CRLC, was filed in the Southern District of New York on December 10, 1997, alleging that the Government had improperly blocked Precision's funds held at one of the closed Serbia banking agencies in New York. This case is still pending.

5. Despite the prospective authorization of transactions with the FRY (S&M), OFAC has continued to work closely with the U.S. Customs Service and other cooperating agencies to investigate alleged violations that occurred while sanctions were in force. On February 13, 1997, a Federal grand jury in the Southern District of Florida, Miami, returned a

13-count indictment against one U.S. citizen and two nationals of the FRY (S&M). The indictment charges that the subjects participated and conspired to purchase three Cessna propeller aircraft, a Cessna jet aircraft, and various aircraft parts in the United States and to export them to the FRY (S&M) in violation of U.S. sanctions and the Regulations. Timely interdiction action prevented the aircraft from being exported from the United States. On October 23, 1998, the defendants in the case entered guilty pleas. A sentencing date has not yet been scheduled.

Since my last report, OFAC has collected one civil monetary penalty totaling nearly \$4,200 for violations of the sanctions. These violations involved prohibited importations into the United States of goods originating in Serbia.

6. The expenses incurred by the Federal Government in the 6-month period from May 30 through November 29, 1998, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at approximately \$360,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in OFAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, and the Department of Commerce.

7. In the last 2 years, substantial progress has been achieved to bring about a settlement of the conflict in Bosnia-Herzegovina acceptable to the parties. Resolution 1074 terminated sanctions in view of the first free and fair elections to occur in Bosnia and Herzegovina, as provided for in the Dayton Peace Agreement. In reaffirming Resolution 1022, however, Resolution 1074 contemplates the continued blocking of assets potentially subject to conflicting claims and encumbrances until provision is made to address them under applicable law, including claims of the other successor states of the former Yugoslavia.

The resolution of the crisis and conflict in the former Yugoslavia that has resulted from the actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia

and Montenegro), and of the Bosnian Serb forces and the authorities in the territory that they controlled, will not be complete until such time as the Peace Agreement is implemented and the terms of Resolution 1022 have been met. Therefore, on May 28, 1998, I continued for another year the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and will continue to enforce the measures adopted pursuant thereto. The importance of maintaining these sanctions is further reinforced by the unacceptable actions and policies of Belgrade authorities in Kosovo and in the areas of human rights, democratization, and war crimes investigations. These developments threaten to disrupt progress in implementation of Dayton and security in the region generally.

Accordingly, I shall continue to exercise the powers at my disposal with respect to the measures against the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Bosnian Serb forces, civil authorities and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate.

Remarks on the Earned-Income Tax Credit

December 4, 1998

Amy's children are over there. And we also have Bernadette Hockaday and her children, and Rhonda Clarke and her children here. They're all here, and we thank them all for coming because they all have benefitted from the earned-income tax credit.

I'd like to thank Gene Sperling, who believed passionately in this when I first met him, well over 6 years ago now; Janet Yellen, the Council of Economic Advisers; Secretary Herman, who was here in the White House helping us to implement the earned-income tax credit in '93. I thank Congressman John

Lewis and Congressman Bob Matsui, who are here, who have been passionate advocates; and all the other advocates in the room here—Bob Greenstein, Justin Dart, the others who are here—we thank you for your support.

One of the main reasons that I ran for President in 1992 was that I believed that people like Amy could achieve real success if we could unstack the deck against them. I knew that when our Nation was taxing working families into poverty, that was wrong. I knew that when a mother rises at dawn, putting in an honest day's work and still can't afford to buy the children's clothes, that's wrong. And I was determined to try to do something about it.

I also knew that there was a little-known provision in the tax code which had been in for several years called the earned-income tax credit that had the potential if it were actually expanded at an appropriate level to lift all working families out of poverty. And that's how all this started.

Again, let me say, I'm very grateful for everybody who has supported this. I think the important—one important thing I'd like to point out is that we have representatives here from the AFL-CIO, from AFSCME, from other unions, most of whose members do not get the earned-income tax credit, and they lobbied for it, too, because they thought it was right. And so, for all of you, I just say I'm very grateful.

What we tried to do in 1993 was two things. First of all, we had to get the economy moving again, and secondly, we had to focus on the special needs of people who were working hard at lower wage levels. But first things first—we had to get the whole economy moving again. Middle-class incomes have been stagnant for 20 years, and we could never have given lower-income working people the chance to raise their incomes if it hadn't been for a policy promoting overall economic growth.

Just this morning, we received more good news for America's families on our overall economic policies. Secretary Herman's Department reports that, last month, unemployment fell to 4.4 percent, while inflation remains low and stable. But for nearly a year